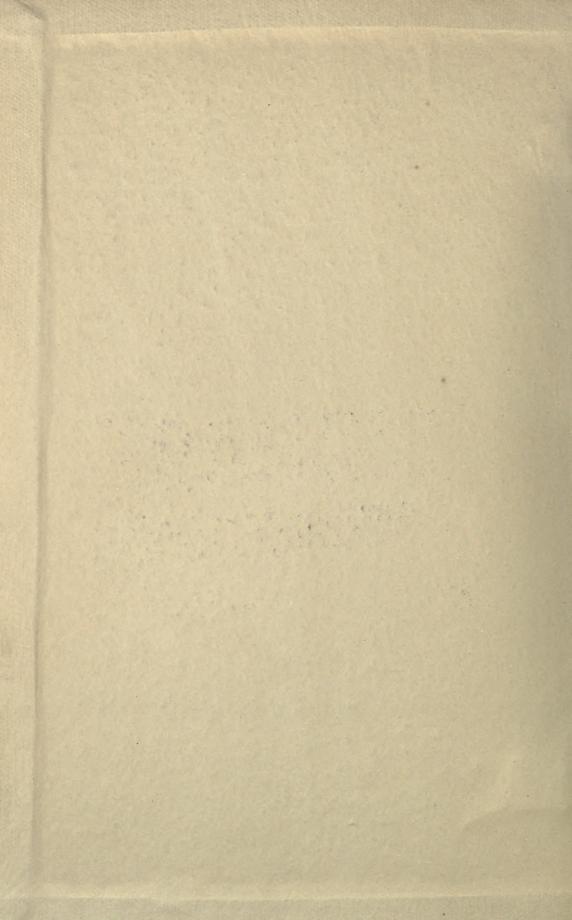
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A

COMPLETE INDEX

OF THE NOTES IN

ANNOTATED CASES

(American and English)

Volumes 1 to 1918E

BY

EUGENE G. KREIDER

MEMBER OF THE BAR OF STATE OF WASHINGTON

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PREFACE.

This Index has been compiled after a careful reading of all the notes in the fifty-three volumes of Annotated Cases. It covers not only the principal annotations but all supplementary matter, even though such matter has not, in the reports, any separate headings. This Index is not a mere compilation of titles of notes which are often quite general; full reference has been made to discussions comprised in the notes regardless of the general titles.

The system of cross-references has been made as simple as possible, the purpose being to group under each title all such notes as are cognate to its subject, thus avoiding the frequent necessity of sending the searcher from one topic to another. Further than this, a great many common sense or practical headings have been introduced, in order to put the searcher more quickly in possession of the application of a legal principle to the particular question he has in mind.

To facilitate search for particular points the Index references have been arranged alphabetically, thus avoiding the necessity of reading every note under a topic or a division thereof when looking for a certain point.

In addition to this Index of the notes, the publishers have issued, in two volumes, a complete Digest of the cases found in this series of reports. This Index and that Digest of the reported cases should be used in conjunction, for in this book the notes alone are referred to.

EUGENE G. KREIDER.

PREFACE

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- 3. Purposes for Which Property Taken.
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- Checks, delay in presenting check for payment as cause of loss, burden of showing. 1913A-1293.
- Civil case based on criminal act, burden of proof. 2-73; 1912A-1139.
- Contempt, burden of proof of inability to comply with court order as exonerating from contempt charge. 15-946.
- Contributory negligence and assumption of risk, burden of proof on defense. 10-4; 18-967.
- Debtor and creditor, transfer to creditor in excess of sum actually due as bona fide transaction, burden of proof. 1918E-723.
- Deeds, alteration or interlineation, burden of proof as to when made. 1914B-1092.
- Elections, possibility of separation of illegal vote in case of irregularity affecting indeterminable number of votes, burden in contest. 1918A-58, 69, 73.
- Escheat, burden of proof in proceedings to establish. 1913E-384.
- Executions, injunction against execution sale, burden of proof. 1918C-304.
- Exemption of property by statute from execution, burden of proof. 1914A-245.
- Expectancy, good faith and adequate consideration in transfer, burden of showing. 1916E-1250.
- Extradition, identity of fugitive from justice, burden of showing. 20-546.
- Fairness of transaction, burden of proving. 1912A-704.
- False imprisonment and malicious prosecution, distinction between with respect to burden of proof. 21-460.
- Fire insurance, breach of condition subsequent in policy, burden of showing. 1913D-829.
- -sole and unconditional ownership in action on policy, burden of showing. 1913E-212.
- Fraud, burden of proof as to. 1-809.
- Gas, injury caused by escape of gas from pipes, burden of showing. 1916E-280.

- -negligence of gas company in failing to prevent escape of gas, burden of proof. 1914C-355.
- Homicide, accidental killing, burden of proof where defense is interposed. 11-309.
- -self-defense, burden of proof. 1912C-47.
- Independent contractor, burden of proof of relation of employee as servant or independent contractor. 1918C-632.
- Insane person, contract, burden of showing insanity of party before execution of bona fide contract. 1914D-874.
- -fairness of transaction, burden of proving. 1912A-710; 1914D-874.
- -issue of insanity in criminal cases, burden of proof. 3-926; 15-95.
- Intoxicating liquors, adoption of local option law, burden of proof in presecution for illegal sale. 1913C-627.
- -druggist, burden of proof of right to sell in prosecution for illegal sale. 1913C-637.
- -innkeeper, burden of proof of sale to hotel guest. 1913C-638.
- —original package, burden of proof of sale in. 1913C-638.
- -right to sell, burden of proof of showing in prosecution for illegal sale. 1913C-626.
- Larceny, mistaken belief of ownership, burden of proof. 2-192.
- Legacy, nonpayment of legacy to which presumption of payment has attached, burden of showing. 2-747.
- Libel and slander, malice, burden of showing in action where communication is privileged. 7-844; 1913C-1072.
- Licenses, burden of proof as to whether person is duly licensed to practice profession or do business, other than sale of liquor. 1915B-416.
- Life insurance, falsity of representations, burden in action on policy. 8-1160.
- —good health of insured at time of delivery of policy where life insurance contract so requires, burden of showing. 17-238.
- Limitation of actions, burden of proof as to running of statute. 8-340.
- Marriage, duress as ground for annulment, burden of proof. 20-1376.

- -mental incapacity of party to marriage, burden of proof. 1913B-1242.
- -subsequent marriage, burden of proof of validity. 17-684; 1918E-1238.
- Master and servant, actual cause of injury to servant in action for negligence, burden of proof. 5-167.
- -fall of scaffolding, burden of proof in action for injuries caused by. 18-619.
- -latent danger as within knowledge of employee, burden of showing. 11-116.
- -practicability of guarding machinery from which servant has sustained injury, burden of showing. 18-133.
- Mineral or nonmineral character of lands, burden of proof. 1912A-1315.
- Necessaries furnished infant, burden as to whether articles constitute. 14-686.
- Negligence, res ipsa loquitur rule as relieving plaintiff of burden of showing negligence. 1914D-909.
- Nonexistence of plaintiff in action, burden of showing. 1917D-1196.
- Ordinances, validity of ordinance, burden of proof. 1916B-502.
- Physicians and surgeons, suing for medical services, burden of proof of necessity of showing they were duly licensed. 2-607.
- Process, failure of officer to execute or return process, burden of proof. 1912D-732.
- Que warranto proceeding or action in nature thereof, burden of proof. 1917B-467.
- Receiver of railroad, burden of showing that he was operating railroad at time in question. 1913A-535.
- Reformation of instrument on ground of mutual mistake, burden of proof. 19-344.
- Release, falsity of physican's statement relied on for avoiding release for personal injuries, burden of showing. 1918A-362.
- Res judicata or estoppel by judgment, burden of proof. 2-655.
- Sales, illegality of contract of sale for future delivery of property. 11-442.
- Ships and shipping, burden of proof of necessity of supplies furnished master

- in an action against owner of vessel. 18-880.
- Signature, burden of proof of genuineness. 1913A-194.
- Slander of title to realty, burden of proof as to title of plaintiff. 1913C-1362.
- Suicide relied on as defense to action on life insurance policy or benefit certificate, burden of showing. 17-32; 1913C-1260.
- Taxpayer's action, burden of proof. 1913C-913.
- Undue influence in case of conveyance inter vivos by parent to child or by child to parent. 17-989; 18-539; 1915D-711; 1918B-457.
- Warehouseman, burden of proof for loss of goods by fire. 19-245.
- Waters, flood as extraordinary and unprecedented, burden of proof as to nature. 1918A-1121.
- Will contest instituted after probate, burden of proof. 1914C-535.
- Workmen's compensation, burden of proof of accident arising out of and in course of employment within act. 19-6; 1913C-4; 1914B-498; 1916B-1294; 1918B-770.
- —notice of injury given under Workmen's Compensation Act, burden of showing. 1917D-877, 881, 886.
- -suspensory award, burden of proof as to right to. 1918B-746.

5. Documentary Evidence Generally.

- Age of person, public record recital as proof. 1918E-266.
- -writing, competency of witness to testify to age of writing. 1915D-34.
- Ancient document, instrument insufficient on face inadmissible as. 1-322.
- Benefit certificate without other parts of contract, admissibility. 1917C-145.
- Book of accounts, necessity that it he book of original entry. 2-842; 1917C-961.
- —deceased person's book of accounts, admissibility. 12-77.
- Building and loan association, records and minutes, inadmissibility as books of original entry. 2-844.

- Census reports, admissibility to show age or pedigree. 9-882.
- Check stub entries, admissibility. 1915B-799.
- Conclusiveness of documentary evidence against party introducing. 17-381.
- Corporate books or records, admissibility in action between members, or between corporation and member. 1917D-558.
- Death certificate by physician as evidence. 1918C-761.
- Diary, private diary as evidence. 1916C-717.
- Dictionaries, admissibility in evidence. 11-182.
- Document produced by opposing party, effect of inspection by opposing party upon admissibility in evidence. 21-1022.
- Duplicate sales slip or sheet from loose leaf ledger, admissibility as book of account. 1914D-489.
- Foreign official record, admissibility in evidence, 19-1219.
- Foreign statutes, printed copy as admissible to prove law of another jurisdiction. 1916D-853.
- Historical works as evidence. 13-675.
- Hospital chart, admissibility. 1916C-78.
- Judgment by default as evidence against judgment debtor in another suit. 1914B-681.
- Letters between husband and wife, admissibility against writer. 3-915; 1912B-1001; 1915B-427.
- Maps, ancient map, admissibility. 1916C-176.
- Market reports as evidence. 12-127; 1913E-211.
- Medical books as admissible. 19-1002; 1916A-795.
- Memorandum as evidence of past recollection of witness, admissibility. 8-210.
- Mercantile agency, statement to or report by, as evidence. 1916D-760.
- Opinions of courts as evidence. 19-404.
- Private books or records as evidence of what they do not contain, 1914B-1256.

- Receipt materially altered, admissibility in evidence. 1913C-277.
- Recital in deed as evidence. 1915A-97.
- Records, identification by stranger. 6-500.
- Rules of master, admissibility in action involving servant's negligence. 21-147.
- Spelling, punctuation and literary style as elements in identifying author of writing. 20-1336.
- Surveys, ancient survey, admissibility. 1916C-179.
- -field-book entries of deceased surveyor, admissibility. 1917E-675.
- Telegram received in reply to telegram, admissibility in evidence. 16-394.
- Unstamped documents as evidence. 1-24.
- Weather records as evidence, admissibility and weight. 19-852.
- Wills, unprobated will, admissibility to prove title to property. 1916A-887.

6. Demonstrative Evidence.

Generally.

- Calculations by witness from figures in evidence, admissibility. 1912D-1353.
- Child whose paternity is in issue, right to exhibit to jury. 6-560; 19-536.
- Detectaphone or dictagraph, admissibility of evidence received through. 1916E-181.
- Experiments, admissibility of experiments tending to show that occurrence could not have happened as alleged, admissibility. 1912D-1264.
- --presence of jury, admissibility in evidence of experiments made in presence of jury. 7-216; 1912B-296.
- -tables compiled from and showing results of experiments, admissibility in evidence. 1912C-189.
- Identification of author of writing, spelling, punctuation and literary style as elements. 20-1336.
- Microscopes, information acquired by aid of microscope, competency of witness to testify to. 1916D-930.
- Phonographic reproduction of sound as evidence. 10-285.

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- Photographs, foundation for introduction in evidence. 1-161; 10-962.
- -weight as evidence. 15-98; 1913D-277.
- -X-ray photographs as evidence. 8-435; 1916A-776; 1918D-998.
- Telephone conversation as evidence. 1-802; 9-170; 20-705; 1916E-977.
- Typewriting, admissibility of specimen for purpose of comparison with disputed typewriting. 1914C-201.
- View, impression made on minds of jurors as evidence in case. 10-663.

Handwriting.

- Identification of author of writing, spelling, punctuation and literary style as elements, 20-1336.
- Mark, proof by comparison. 19-504.
- Papers in record as standards for comparison of handwriting. 9-451.
- Proof of handwriting by third person where writer is accessible as witness. 20-108.
- Signatures, proof of facsimile signatures by comparison. 1912B-417.
- Similarities or dissimilarities in manner of writing words or letters, probative effect on issue of genuineness of handwriting. 1913B-1317.
- Testing expert or nonexpert witness by use of other writing. 1917B-1060.

7. Best and Secondary Evidence.

- Acknowledgment of execution of instrument, proof by evidence other than certificate. 1912A-1098.
- Books of account, loss or destruction, copies as admissible. 2-844.
- Carbon copy of writing, admissibility in evidence without accounting for non-production of original. 11-108; 1914D-1082.
- Certification that paper or document is true copy, proper form. 1912C-942.
- Document not within jurisdiction of court, admissibility of secondary evidence as to contents, 8-413.
- Instrument altered or destroyed by person offering secondary evidence of contents, admissibility. 9-484.

- Judicial record, parol proof of contents of lost or destroyed record. 1916D-248.
- Knowledge based on hearing letter or document read as admissible to prove contents, 1912D-790; 1916C-1182.
- Lost memorandum required by statute of frauds, admissibility of parol to show contents. 1916E-173.
- Telegram left for transmission or message delivery as primary or best evidence. 8-270.
- Verbal admission as to contents of writing, admissibility in evidence. 8-207.

Parol Evidence Explaining, Varying or Contradicting Writing.

- Acknowledgment, certificate, admissibility of parol evidence to show same taken within officer's jurisdiction. 10-129.
- —impeachment of acknowledgment, admissibility of parol evidence, 7-251; 1917A-373.
- Alterations or interlineations made before execution of written instrument, admissibility of parol evidence to explain. 1913C-344.
- —unauthorized alteration of written instrument, admissibility of parol evidence to show. 12-985.
- Antenuptial contract, waiver of provision in written contract, admissibility of parol evidence to show. 1912B-279.
- Auctions, conditions of auction sale, admissibility of parol evidence as to. 1912A-1130.
- Bills and notes, conditional delivery of bill or note, parol evidence of. 3-560; 6-169; 15-669; 1917D-1049.
- —indorsement of bill or note for purpose of collection only, admissibility of parol evidence to show. 15-877.
- -signature of maker and indorser, necessity of proving in action on promissory note. 1917A-770, 809, 813, 817, 821.
- —time of indorsement made on note, admissibility of parol evidence to show. 1913A-882.
- Bill of sale, parol evidence to modify or explain. 19-541.
- Bonds, extent of liability assumed by obligor, extrinsic evidence as to. 2-891.

- Carriers of goods, route for shipment of goods, variation of written contract by parol evidence. 1913A-932.
- Covenant in deed against incumbrances, admissibility of parol evidence to vary or explain. 1915D-865.
- Date, admissibility of parol-evidence to show instrument as executed on day other than date it bears. 1913A-496.
- Deed of land to railroad for right of way or depot purposes, admissibility of parol evidence to show agreement between parties at time of execution. 17-863.
- De facto corporation, admissibility of parol evidence to show existence. 1914A-151.
- Deposition, lost or destroyed deposition, proof by parol of contents. 1916D-253.
- Fire insurance contract, admissibility of parol evidence to explain or modify. 1914C-59.
- Frauds, statute of, identification by parol of papers referred to in signed writing for purpose of constituting all as memorandum within statute. 2-294.
- -parties, admissibility of parol for purpose of showing in aid of memorandum. 13-315.
- —several writings as constituting memorandum within statute, admissibility of parol evidence to show. 19-116.
- Guaranty contract, admissibility of parol evidence to affect terms. 1912A-781.
- Illegality of contract, admissibility of parol to show. 16-388; 1917D-426.
- Lease, evidence extrinsic to lease to show agreement by landlord to repair, admissibility. 1913A-37.
- Mortgage absolute on face intended as security for future advances, evidence of intent. 1913C-561.
- Municipal record, admissibility of parol to aid, vary or contradict. 7-1045.
- Mutilated or illegible writing, admissibility of parol as to contents. 1916A-282.
- New promise relied on to remove bar of statute of limitations, extrinsic evidence in aid of. 1914B-226.
- Ordinance of municipality, admissibility of parol to prove. 1915A-709.

- Personalty, oral testimony to prove title when written evidence exists, admissibility. 1914C-118.
- Place of payment under contract silent in that respect. 1916E-366.
- Preliminary negotiations, evidence thereof as aid to construction of instrument. 18-257.
- Purported contract as sham contract, admissibility of parol evidence to show. 19-1025.
- Release, conditional delivery, admissibility of parol evidence to show. 1912D-1308.
- Restraint of trade, admissibility of parol evidence to vary agreement of seller of business not to re-engage in same business. 1913C-1379.
- Statutes, approval or disapproval by executive of bill, admissibility of extrinsic evidence to show. 1917C-836.
- Stock subscription as conditional, admissibility of parol evidence to show. 19-883; 1918C-853.
- Strangers to contract, application of parol evidence rule to. 8-347.
- Supplementing written contract by proof of collateral oral agreement. 2-146; 1914A-454.
- Title to personalty, admissibility of oral testimony to prove when written evidence exists. 1914C-118.
- Trusts, resulting trust arising from purchase by husband with wife's money, proof by parol. 1915D-630.
- Vendor and purchaser, executed sale of land, admissibility of parol evidence to establish fact. 1914C-708.
- Wills, identification of writing incorporated in will by reference, admissibility of parol evidence. 1-396.
- —instrument not testamentary on its face, admissibility of evidence to show it was intended to take effect upon death of maker. 12-287.
- --omission of living child, admissibility of parol evidence to show whether intentional. 8-637; 1916A-718.
- —paper testamentary on face not intended as will, admissibility of evidence to show. 18-897.
- -presumption of resulting trust under will, admissibility of parol evidence to rebut. 1915B-52.

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- -scrivener's testimony showing intention of testator, admissibility. 1913A-1017.
- -when parol evidence admissible to aid construction, 1915B-8; 1917E-410; 1918C-936.

9. Expert and Opinion Evidence.

A. EXPERT EVIDENCE.

- Abstract question, competency in examination of expert witness. 20-207.
- Attorney's services, admissibility and necessity of expert evidence on question of value. 20-53; 1914D-369.
- Blood stains, expert and opinion evidence as to. 15-814.
- Construction work, competency of expert to testify as to whether work was properly done. 1912D-903.
- Examination of expert witness, use of scientific books in connection. 1916E-356.
- Expectancy of life, competency of expert to testify to. 10-621.
- Facts upon which opinion is based, necessity that expert state. 20-883.
- Physician, competency to testify in respect to wound or injury where he has not had similar case. 14-137.
- —testimony as to statements made to him by patient relating to history of case, admissibility. 14-449.
- Ultimate fact, whether expert witness may give opinion as to. 1914B-191.

B. OPINION EVIDENCE.

- Competency of servant, admissibility of opinion evidence. 19-1151.
- Conduct of certain person as "careless," "reckless" or "negligent," admissibility of opinion of witness. 1913C-1077.
- Damages to realty, admissibility of opinion of witness as to amount. 3-667; 1912A-191.
- Dangerous character of work, situation, appliance, etc., admissibility of opinion evidence. 7-463.
- Drugs, whether person was under influence of drug, admissibility of nonexpert opinion. 1913B-108.

- Future consequences of injury, admissibility of opinion evidence. 21-326.
- Handwriting of mere correspondent, competency of nonexpert to testify to. 8-1035.
- Intoxication, admissibility of nonexpert testimony to prove. 10-788; 1917C-628.
- Knowledge of another, competency of witness to testify to. 21-1074; 1918A-947.
- Libel and slander, meaning or effect of words used, admissibility of opinion of witness. 18-833.
- Mark, proof by opinion evidence. 19-504.
- Marketability of title to realty, admissibility of opinion evidence. 21-840.
- Measurements taken by nonexpert, admissibility. 18-1175.
- Mental capacity of person to execute contract or deed, admissibility of opinion evidence. 4-888.
- Ownership of personalty, admissibility of direct opinion of witness. 8-832; 1912C-664; 1916D-289.
- Paternity of animal, identification by resemblance, admissibility of opinion of witness. 5-974.
- Race to which person belongs, admissibility of opinion evidence. 1914A-462.
- Result of forces acting on animate human body as question of law or fact, 1913E-938.
- Smell or odor, testimony of witness as to. 1914B-736.
- Speed, automobile, opinion evidence as to speed. 19-754; 1917D-613.
- -railroad train or street-car, competency of nonexpert witness to testify to. 1913A-187.
- Value, corporate stock, admissibility of opinion of witness in absence of market value. 1915C-67.
- -property valuation based on comparison with other properties, existence of similarity to make comparison admissible as question for court. 1913D-582.
- —use of chattel, value as provable by opinion. 1914B-809.
- Writings, opinion evidence as to age. 1915D-34.

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10. Hearsay.

- Age, admissibility of entry in family Bible to show, where person making entry is dead or unknown. 1912A-1218; 1916A-153.
- Family record, admissibility of entry to show age, marriage or pedigree, where person making entry is alive. 6-59.
- Forgotten facts, statement made to witness by another where latter admits statement but has forgotten facts stated, admissibility. 12-706.
- Knowledge of contents of document, competency of testimony where witness' knowledge is based merely on hearing it read. 1912D-790; 1916C-1182.
- Parentage, competency of person to testify to his own. 1913C-314.
- Pedigree, whether hearsay must be confined to ancient facts. 1914A-822.

11. Res Gestae.

- Bystander's declaration at time of accident as part of res gestae. 1912C-319; 1917A-1009.
- Exclamations and expressions of pain, admissibility in actions involving bodily injuries. 15-799; 1916A-830.
- Infant, accident, declarations of infant present at time as part of res gestae. 14-51.
- —assault or homicide, declarations of infant at time as part of res gestae. 1916C-1187.
- Railroad train sheet as evidence. 1912B-372.
- Statements of deceased or accused before starting on journey, admissibility as part of res gestae. 1913E-361.

12. Relevancy,

- Agency, lack of possession by agent of evidence of indebtedness as evidence on question of his authority to receive payment. 19-666.
- Blood stains, law of. 15-811.
- Brands on animals as evidence of ownership. 12-414; 18-544; 1913E-133.
- Breach of promise to marry, preparations for marriage as corroborative evi-

- dence of promise to marry. 1915C-138.
- —understanding of friends or family of party as evidence of agreement to marry. 1916C-564.
- Character or reputation, assault, admissibility in civil action for assault. 1914A-959; 1914B-881.
- -fraud of party or other person, admissibility in civil action. 8-1136.
- --malicious prosecution, admissibility of character of plaintiff. 4-839; 1916D-1167.
- -negative evidence to prove character. admissibility. 17-108.
- --penalty, action to recover, admissibility of defendant's character or reputation. 1916D-1151.
- Conviction based on plea of guilty, admissibility of judgment in subsequent civil action. 1917E-1109.
- Death, grant of letters testamentary or of administration as evidence. 1918A-1011.
- Disorderly character of house as established by general reputation. 12-273.
- Domestic relations, action for personal injuries not resulting in death, admissibility of plaintiff's. 10-288.
- —death by wrongful act, admissibility of deceased's domestic relations. 1916C— 671.
- Elections, ballots, admissibility to impeach election returns. 1912B-682.
- —intention of voter, admissibility of own testimony to show in election matters. 1912A-296.
- Eminent domain, payment by condemnor for other land for use in same enterprise as evidence of value of land taken. 20-695; 1914A-375.
- -price paid by another than condemnor for similar property as evidence of value. 1916E-598.
- Financial circumstances of defendant, breach of promise of marriage, admissibility of evidence. 20-1265,
- -libel or slander, admissibility. 1915B-1158.
- --payment, admissibility to prove. 8-779; 11-110.
- -physician's action for services, admissibility of evidence. 11-655.

- Financial credit of plaintiff, wrongful dishonor of check, admissibility in action by depositor. 10-988.
- Fires, origin of fire set by railroad as provable by evidence of other fires by other engines. 12-218; 21-1212.
- Futures, other transactions between or by one of parties on issue whether contract is for future deliveries, admissibility. 1914D-87.
- General conduct under proven circumstances, admissibility to show conduct of same kind under similar circumstances on particular occasion. 1913D-1256.
- Habits of deceased on approaching railroad crossing, admissibility in action against railroad for killing. 1915B-226.
- —or physical condition of deceased, admissibility in action for wrongful death. 1916E-652.
- Inconsistent statement of witness prior to occurrence as evidence of facts therein stated. 21-1238.
- Insane persons, insanity of ancestors or kindred, admissibility on issue of sanity. 6-29; 1918B-124.
- -proof of insanity by general reputation. 18-935.
- Intention of party to action, admissibility of own direct testimony. 12-4; 1912D-1043.
- Intoxicating liquors, possession of federal license as evidence of violation of liquor law, construction of statute. 1918D-775, 792.
- Judgment against principal as evidence against surety. 9-153; 1915D-400.
- Libel and slander, feelings of party, admissibility. 16-748.
- -matters occurring after commencement of action, admissibility in mitigation of damages. 1914A-1037.
- -retraction, admissibility of evidence in reduction of damages. 15-84.
- -truth of charge, evidence admissible. 1915D-890, 906, 907.
- -understanding of readers or hearers as to identity of person defamed, admissibility of testimony. 1917C-36.
- Malicious prosecution, acquittal in criminal prosecution as evidence of want of probable cause. 18-65; 1916E-376.

- Negligence, insurance of defendant other than master against liability for negligence, admissibility of evidence of fact. 1914A-948; 1916E-571.
- Ownership, motor vehicle, license number as evidence. 1916D-1163; 1918E-737.
- -property, name thereon as evidence. 1915D-353.
- Partnership as provable by general reputation. 4-817.
- Prior accidents at same place on defective street or highway, admissibility in action for injuries. 16-636.
- Replevin, recitals in writ or bond as evidence of value in action on bond. 18-113.
- Reputation as admissible to establish existence of private right of way. 1912A-847.
- --incompetency of fellow-servant, general reputation as admissible in action by servant against master. 18-927.
- Seduction, defendant's reputation as admissible in evidence. 1916E-381.
- Usages and customs, peculiar signification of word in locality where instrument was executed, admissibility. 1916C-655.
- Value, condemnation proceedings, price paid by condemnor for other land in same enterprise or by other than condemnor for similar property as evidence of value of property taken. 20-695; 1914A-375; 1916E-598.
- -personalty, price paid as evidence of value. 1916D-797, 805, 810.
- -services, price paid as evidence of value. 1916D-802.
- Weather conditions, materiality and importance in determining visibility of railroad rolling stock or street-cars. 16-357.
- Wills, adjudication of incompetency made subsequent to execution of will, admissibility on question of testamentary capacity. 1915B-1009.
- —undue influence, preparation of will by beneficiary, admissibility as evidence. 15-551.
- -unnetural or unjust disposition of property as evidence of testamentary incapacity, 13-1044; 1917E-130.

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13. Testimony in Former Proceedings.

- Coroner's verdict, admissibility in subsequent proceedings. 4-1020; 1917B-892.
- Deceased witness, proof of death sufficient to render former testimony admissible. 17-76.
- Forgetfulness of facts as ground of admission of former testimony of witness. 1914C-575.
- Identity of parties and issues as condition to admissibility of testimony in former proceeding by witness who has become disqualified or inaccessible. 21-179; 1914D-476.
- Transaction with person since deceased, admissibility of testimony at former trial. 1917B-366.
- Witness who has since become mentally incompetent to testify, admissibility of former testimony. 1914B-284.

14. Weight and Sufficiency.

A. DEGREE OF PROOF.

- Conclusive evidence, validity of statute making proof of certain facts conclusive evidence. 14-734.
- Contract making certain state of facts prima facie or conclusive evidence, validity. 1916B-690.
- Death by wrongful act, quantum of proof required of plaintiff in action for. 1913A-1138.
- Disbelief by court or jury of certain testimony as affirmative evidence to contrary. 21-1123.
- Divorce, degree of proof required to establish cause. 1913B-1216.
- Insane person, proof of competency as witness. 1913E-327.
- Judgment of conviction based on plea of guilty, conclusiveness and effect in subsequent civil action. 1917E-1111.
- Marriage, quantum of proof to invalidate on ground of mental incapacity. 1913B-1242.
- Ownership of motor vehicle, conclusiveness of license registry. 1916D-1163; 1918E-737.
- Preponderance of evidence as determined by mere number of witnesses. 1913D-676.

- Price paid for services or personalty as evidence of value, 1916D-801.
- Prima facie evidence, ordinance providing that certain state of facts shall constitute evidence of violation, validity. 1916C-1062.
- -statute making certain facts prima facie evidence, validity. 6-746; 1912A-465; 1916B-699.
- Scintilla of evidence, what constitutes. 1918B-943.
- -sufficiency to justify submission of cause to jury, 1914B-472.
- Will contest, conclusiveness of testimony of subscribing witnesses with respect to execution of will. 1916D-1104.

B. WEIGHT OF EVIDENCE.

- Admissions tending to show negligence, weight. 14-228.
- Automobile ownership, conclusiveness of license registry. 1916D-1163; 1918E-737.
- Billheads, evidentiary effect of use of printed billhead. 1917B-271.
- Blood stains, weight and sufficiency of evidence. 15-818.
- Character of defendant in criminal case, weight of evidence of good character. 1913F-16.
- Circumstantial evidence of fraud, weight and sufficiency. 1912A-711.
- Comparative weight of estimate and actual measurement. 1916E-573.
- Deposition and oral testimony, relative weight, 1917D-758.
- Divorce, paramour's testimony, weight and sufficiency in action on ground of adultery. 1913A-1241.
- Dying declaration as, entitled to same weight as statement made under oath. 1914C-222.
- Expert and opinion evidence, weight of. 4-986.
- Foreign laws proved by lawyers, weight of testimony. 20-1342.
- Intoxicating liquor, possession of federal license, weight in prosecution for violation of law, 1918D-781.
- Letterhead or billhead, evidentiary effect of use of printed. 1917B-271.
- Marriage, weight and sufficiency of proof. 10-559.

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- Master and servant, general reputation of incompetency of fellow-servant, weight in action against master. 18-930.
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- 1. In General.
- 2. Statutory and Municipal Provisions.
- 3. Liability Generally.
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- 1. In General.
- 2. Rights of Fishery and Hunting.
- 3. Statutory Regulation.

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- 2. Regulations.
- 3. Warranty.
- 4. Impure Food.

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- 3. Contracts of Sale.
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 - B. RESCISSION.
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- 4. Rights of Parties.
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